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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,220

12/15/2003

Matthew Barrer

AED-0003

8637

23377 7590 12/20/2007

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EXAMINER

TARAE, CATHERINE MICHELLE

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

12/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/734,220	Applicant(s) BARRER, MATTHEW	
	Examiner C. Michelle Tarae	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26,27,30,31,33,34 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26,27,30,31,33,34 and 36-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on October 8, 2007.

Claims 28-29, 32 and 35 have been canceled. Claims 38-47 have been added. Claims 27, 30-32 and 34 have been amended. Claims 26-27, 30-31, 33-34 and 36-47 are now pending in this application.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) is acknowledged.

Response to Amendment

3. Applicant's amendments to claims 27, 30-32 and 34, cancellation of claims 28-29, 32 and 35 and addition of claims 38-47 are acknowledged.

Response to Arguments

4. Applicant's arguments are moot in view of the new grounds of rejections below, which have been necessitated by amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Cardiac Arrest Survival Act (November 15, 2000) [hereinafter, CASA]. The following references are used to describe the SCA:

- the "Cardiac Arrest Survival Act of 2000," May 23, 2000 [hereinafter, reference U];
- press release, "American Red Cross Applauds Passage of Cardiac Arrest Survival Legislation," October 27, 2000 [hereinafter, reference V];
- article, "President Clinton Enacts Nation's First Law to Place Lifesaving Portable Defibrillators in Federal Buildings," *Business Wire*, November 15, 2000 [hereinafter, reference W].

As per claim 26, CASA discloses a method of supporting a cardiac emergency readiness program at a facility comprising:

requiring the facility to have a cardiac emergency readiness program which has met certain minimum requirements including the proper placement of at least one automated external defibrillator (reference U, pages 4-5; reference V, paragraphs 1, 7-8; reference W, paragraphs 1-3; The CASA required the Secretary of Health and

Human Services to provide guidelines for placement of AEDs in federal buildings and public places as well as for proper training of the use of AEDs, thereby requiring federal buildings and public places to meet certain minimum requirements per the CASA guidelines.); and

providing ongoing support for the cardiac emergency readiness program including the promotion of the facility as having a certified cardiac emergency readiness program through a communication network (reference U, page 5; reference V, paragraphs 1, 7-8 ; The CASA required the provision of guidelines for proper maintenance and testing of the AEDs as well as for ensuring coordination with the appropriate licensed professionals and local emergency medical systems as well as with the American Heart Association and the American Red Cross.).

CASA does not expressly disclose certifying the facility or auditing the program to determine if the program has met certain minimum requirements including the proper placement of at least one automated external defibrillator so as to assure a predetermined proximity to an automated external defibrillator by any victim of sudden cardiac arrest at the facility including the proper placement of the at least one automated external defibrillator. However, since the purpose of CASA is to require the Secretary of Health and Human Services to provide guidelines for placement of AEDs in federal buildings and public places as well as for proper training of the use of AEDs, it would have been obvious to a person of ordinary skill in the art at the time of the invention that once the CASA guidelines are passed into legislation, there be some type of auditing and certifying of federal agencies' and public places' AEDs programs in

order to ensure the programs are in compliance with the legislation. Ensuring that federal agencies are in compliance with CASA's guidelines will help to improve the survival rates from cardiac arrest, a goal of the CASA (reference U, page 3).

As per claim 27, CASA discloses conducting a survey to determine the proper placement of the at least one automated external defibrillator so as to assure the predetermined proximity (reference U, pages 4-5; reference V, paragraph 1; reference W, paragraphs 1-3; The CASA required the Secretary of Health and Human Services to provide guidelines for proper placement of AEDs in federal buildings and public places.).

As per claim 30, CASA discloses identifying facility personnel to be responsible for the cardiac emergency readiness program, said certifying the facility as having met said certain minimum requirements including a requirement for the identification of the facility personnel responsible for the cardiac emergency readiness program (reference U, pages 4-5; reference V, paragraphs 1, 7-8; The CASA required the provision of guidelines for proper use of AEDs including coordination with the appropriate licensed professionals and local emergency medical systems to oversee training of proper use of AEDs.).

As per claim 31, CASA discloses reviewing maintenance of the at least one automated external defibrillator, said certifying the facility as having met certain minimum requirements including a requirement for proper maintenance of the at least one automated external defibrillator (reference U, page 5; reference V, paragraphs 1, 7-

8; The CASA required the provision of guidelines for proper maintenance and testing of the AEDs.).

As per claim 33, CASA discloses reviewing training of facility personnel to use the at least one automated external defibrillator, said certifying the facility as having met certain minimum requirements including a requirement for proper maintenance of the at least one automated external defibrillator (reference U, pages 4-5; reference V, paragraphs 1, 7-8; The CASA required the provision of guidelines for proper use of AEDs including coordination with the appropriate licensed professionals and local emergency medical systems to oversee training of use of AEDs.).

As per claim 34, CASA discloses wherein the step of providing ongoing support includes the maintenance of a checklist including the name of the person responsible for the cardiac emergency program and the number of automated external defibrillators (reference U, pages 4-5; reference V, paragraphs 1, 7-8; reference W, paragraphs 1-3; The CASA required the Secretary of Health and Human Services to provide guidelines for placement of AEDs in federal buildings as well as for proper training of the use of AEDs, thereby requiring federal buildings to be certified per the CASA guidelines, wherein guidelines may be interpreted as a checklist.).

As per claims 36-47, CASA discloses wherein the facility is a hotel, a convention hall, a shopping mall, a golf course, for supporting event, for concerts, a health club, a business complex, an industrial site, a manufacturing site, an amusement park, and an educational institution (reference V, paragraph 2, reference W, paragraph 2; The American Red Cross has advocated for and CASA highlights the need for public access

of AEDs in all types of public places including office buildings, airports, shopping malls, golf courses, schools, convention centers and sports arenas.).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "Five Area Law Firms Acquire Automated External Defibrillators (AEDs) and American Red Cross Training," *Business Wire*, Aug 16, 2000, discusses AED programs including training on the use of AEDs;

- "Survivalink Corporation Supports Signing of Cardiac Arrest Survival Act Into Law," *PR Newswire*, Nov 16, 2000, discusses the Cardiac Arrest Survival Act;
- Altmann, Mark. "10 frequently asked questions about automated external defibrillators," *Occupational Hazards*, Sep 1999, discusses FAQs related to implementing AED programs;
- "Port Authority Expans Award-Winning Portable Heart Defibrillator Program," Jun 21, 2000, discusses the AED program implemented by NY's Port Authority;
- Smith et al. "Automated External Defibrillators: Time for Federal and State Advocacy and Broader Utilization," *Circulation: Journal of the American Heart Association*, April 7, 1998, discusses legislation relating to public access, placement and training of AEDs; and
- "The White House: Office of the Press Secretary – Memorandum on automated external defibrillators," *M2 Presswire*, May 23, 2000, discusses AED programs and guidelines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


C. MICHELLE TARAE
PRIMARY EXAMINER

December 10, 2007